



DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 West Patrick St, Frederick, Maryland 21701 (301)600-2924

Telephone No. 301-600-2924

Case No. D-111-FM-23-000017

INTERIM PROTECTIVE ORDER

PETITIONER

JENNIFER WELLING

and any minor(s) or vulnerable adult(s) on whose behalf
the petition was filed. (List names and date(s) of birth.)

AUSTIN WELLING 02/27/2011

OBO AND OTHER(S) TO BE PROTECTED:

VS.

RESPONDENT

CHELSEA PHOENIX

Relationship to Petitioner

- ☐ Spouse ☐ Former spouse
☐ Cohabitant ☐ Child(ren) in common ☐ Parent
☐ Other relationship Rape or sexual offense

214 RABBITT RD

GAITHERSBURG, MD 20878

240-672-8769

CAUTION: ☐ Weapon involved

Type

☐ Access to firearm

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
F	2	01/25/2005	5'4"	115
EYES	HAIR	Distinguishing Features		
BLU	BRN			
VEHICLE DESCRIPTION			TAG NO.	
EMPLOYER				

Only the court can change this order.

The terms of this order shall be effective through

06/02/2023

at 11:59 PM

If the court is closed unexpectedly on the expiration date, this order will remain in effect until the next day the court is open. The Temporary Protective Order hearing will be held at 08:45 AM.

NOTICE TO PETITIONER

If a protective order has been issued, you can register to receive notification of when the order has been served by registering with VINE Protective Order (VPO), a free automated service. To register with VPO and access protective order information, call 1-877-846-3420 or visit registervpo.com.

NOTICE TO RESPONDENT: PENALTIES

A violation of an Interim Protective Order is a crime and law enforcement shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the Interim, Temporary, or Final Protective Order. Violation of this order may result in criminal prosecution, imprisonment or fine or both. This protective order shall be recognized and enforced by the courts of any state, the District of Columbia, any U.S. Territory, tribal lands (18 U.S.C. § 2265) or Department of Defense installations. (10 U.S.C. § 1561a) Crossing state, territorial or tribal boundaries to violate this order may result in federal imprisonment. (18 U.S.C. § 2262)

Federal law provides penalties of up to \$250,000 fine and 10 years in prison for possessing, transporting, shipping, or receiving any firearm or ammunition while subject to a protective order or after being convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(8) and (9)) or knowingly transferring a firearm after a conviction of a misdemeanor crime of domestic violence (18 U.S.C. § 922(d)(9)).

Questions regarding this notice should be directed to your attorney, law enforcement agency, or the Maryland State Police Licensing Division at 410-653-4500.

Considering the petition (which was filed when the office of the District Court was closed) and evidence, the commissioner has reasonable grounds to believe the following

FINDINGS:

- A. AUSTIN WELLING, who is a person(s) eligible for relief, is:
an individual who alleges that within six (6) months before the filing of the petition the respondent committed a rape or a sexual offense or an attempted rape or an attempted sexual offense against the individual.
- B. Petitioner is
in the case of vulnerable adult or minor child:
An adult residing in the home
- C. There are reasonable grounds to believe that the respondent committed the following act(s) of abuse:
Assault in any degree
Rape or a statutory sexual offense (or attempt)
- D. The petition was filed when the office of the District Court clerk and the office of the circuit court clerk were closed.

The commissioner ORDERS:

1. Respondent SHALL NOT abuse or threaten to abuse AUSTIN WELLING
2. Respondent SHALL NOT contact, attempt to contact, or harass (in person, by telephone, in writing, or by any other means) AUSTIN WELLING
3. The respondent SHALL NOT enter the residence of JENNIFER WELLING
at 6319 CLARIDGE DR. S., FREDERICK, MD 21701 or wherever the person eligible for relief resides.
(Residence includes yard, grounds, outbuildings, and common areas surrounding the dwelling)
4. Respondent SHALL STAY AWAY from
(1) School: T.J. MIDDLE SCHOOL, 1799 SCHIFFERSTADT BLVD, FREDERICK, MD 21701

6/1/23 1:33am
Date Time

T/BAILEY B088
COMMISSIONER
Commissioner's Signature ID#

TIA BAILEY

Printed Name

See Important Information on Page 2

IMPORTANT INFORMATION

Upcoming Court Hearings in this case

Temporary Protective Order Hearing. This case is set for a Temporary Protective Order hearing before a District Court judge on 06/02/2023 at 08:45 AM at the District Court located at 100 West Patrick St, Frederick, Maryland 21701 (301)600-2924.

If the court is closed unexpectedly on the expiration date, this order will remain in effect until the next day the court is open. The Temporary Protective Order hearing will be held at 08:45 AM.

Final Protective Order Hearing. If a judge signs a Temporary Protective Order, the tentative date and time of the Final Protective Order hearing is 06/09/2023 at 08:45 AM in the same location.

Hearing dates and places are subject to change, and you should call the District Court Clerk's Office at (301)600-2924 to be sure you know when and where your hearing(s) will occur. You are responsible for knowing when and where hearings will occur.

NOTICE TO ALL PARTIES

- Please bring all photos, documents and other evidence that you may have with you to court on your hearing date.
- If you fail to appear at a hearing, the judge may still issue an order or take other action that affects you and you are responsible for obeying any orders issued in your absence.
- After initial service, orders and notices may be served by first class mail to your last known address.
- **If the court is closed** unexpectedly on the expiration date, this order will remain in effect until the next day the court is open. The Temporary Protective Order hearing will be held at 08:45 AM.
- **Communicating with the court.** Any communication you wish to have with the court about this case must be filed in writing at the clerk's office during business hours. **Do not** attempt to contact a commissioner or judge directly. You are responsible for advising the clerk's office in writing, of your current address and telephone number and of any changes in either. The Post Office will not forward District Court mail to you.
- Each party may be represented by an attorney at all stages. You are not required to have an attorney. To obtain an Interim or Temporary Order, the petitioner is required to show reasonable grounds to believe that the respondent committed the abuse. To obtain a Final Protective Order hearing, the petitioner will be required to prove by a preponderance of the evidence that the respondent committed the abuse. The Rules of Evidence apply to your hearing. If the petitioner cannot afford a private attorney, there are support agencies that may be able to help you. Due to the emergency nature of the hearing, the hearing may be held even if a party requests more time to obtain an attorney.

DURATION OF ORDERS

Interim Protective Orders usually last until the Temporary Protective Order hearing, but not beyond the second business day after issue unless the court is closed for unforeseen circumstances.

Temporary Protective Orders last until the Final Protective Order hearing, but not beyond six (6) months.

Final Protective Orders may remain in effect for as long as one (1) year. Additionally:

- The court for good cause may extend the term of the Final Protective Order for an additional six (6) months after a further hearing.
- A Final Protective Order may be granted for a period not to exceed two (2) years, if a judge finds the respondent has committed a subsequent act of abuse against a person eligible for relief within one (1) year after the date that a prior Final Protective Order issued against the same respondent on behalf of the same person eligible for relief expires or by consent of the respondent within one (1) year after the date that a prior Final Protective Order issued against the same respondent on behalf of the same person eligible for relief expires, **and** the prior Final Protective Order was issued for a period of at least six (6) months.
- The court shall issue a Permanent Protective Order if:
 - requested by the person eligible for relief against an individual who was the respondent in a previously issued Interim, Temporary, or Final Protective Order; AND
 - the respondent was convicted and sentenced to serve a term of imprisonment of at least five (5) years and served at least 12 months of the sentence for:
 - ☐ the act of abuse that led to the issuance of the Interim, Temporary, or Final Protective Order; OR
 - ☐ committing an act of abuse against the person eligible for relief during the term of the Interim, Temporary, or Final Protective Order.

In a Temporary Protective Order, the court may order any or all of the following:

- that you not abuse, threaten to abuse, contact, attempt to contact, harass, and/or enter the residence of someone;
- that you stay away from someone's workplace, school, temporary residence, home, or child care provider;
- an award of temporary use and possession of your home to either the petitioner or to you;
- an award of temporary custody of a child;
- that you surrender all firearm(s) to a law enforcement agency and refrain from possession of any firearm for the duration of the order;
- an award of temporary possession of a pet.

In a Final Protective Order, the court may order any or all of the above relief, plus: child visitation, payments of costs, use and possession of a vehicle, counseling, Emergency Family Maintenance, and any other relief that the court believes is necessary to protect the person eligible for relief.

Notice to Respondent: Penalties. A violation of an Interim Protective Order is a crime and a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the Interim, Temporary, or Final Protective Order, as required by Maryland Code, Family Law § 4-509. This protective order may be recognized and endorsed by another state or jurisdiction, 18 U.S.C.A. § 2265.

To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act,

please contact the court immediately.

Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility.



District Court of Maryland for Frederick County

100 West Patrick St, Frederick, Maryland 21701 (301)600-2924

JENNIFER WELLING obo

Case No.: D-111-FM-23-000017

AUSTIN WELLING vs CHELSEA PHOENIX
214 RABBITT RD
GAITHERSBURG, MD 20878
240-672-8769(H)

ADDENDUM TO PETITION FOR PROTECTIVE ORDER (DESCRIPTION OF RESPONDENT)

Failure to provide information on this Addendum may prevent law enforcement from processing the Court's Protective Order. This may endanger your safety or the safety of another protected party. Please provide as much information as possible.

DESCRIPTION OF RESPONDENT (Alleged Abuser)

Full Name: PHOENIX, CHELSEA						Date of Birth: 01/25/2005		Approximate Age: 18	
Race: 2	Sex: F	Height: 5'4"	Weight: 115	Hair Color: BRN	Eye Color: BLU	Skin Tone (Light/ Medium/ Dark): LIGHT			
Scars, Tattoos (where on body and description):									
Home Address 214 RABBITT RD									
City, State, Zip GAITHERSBURG, MD 20878									
Telephone/Cell Number: 240-672-8769									
Employer:							Work Hours:		
Work Address									
City, State, Zip							Telephone Number:		
Vehicle Make:	Model/ Color:		Year:	Tag#:		State:			
Weapons:									
Other locations or information about respondent:									

PETITIONER (Person Requesting Assistance)

Full Name: WELLING, JENNIFER				Date of Birth:		Approximate Age:	
Race:	Sex:	Height:	Weight:				

INFORMATION ABOUT OTHER PERSONS PETITIONER WANTS PROTECTED

Full Name: WELLING, AUSTIN	Race: 2	Sex: M	Date of Birth: 02/27/2011	Weight 140	Age: 12
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ADDENDUM TO PETITION FOR PROTECTIVE ORDER

Petitioner's Signature Date **06/01/2023**

Petitioner's Telephone Number: